



MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen
Chair

Kenita V. Barrow
Vice Chair

July 21, 2017

Waiver 17-06-009

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Kathy Wilcox is a Community Service Aide III (CSA III) in the Special Projects – Linkages to Learning Program with the Children, Youth and Family (CYF) service area at the Department of Health and Human Services (DHHS). She has requested outside employment approval so she can be employed as overnight staff at the Rainbow Place Hypothermia Shelter (Rainbow Place), an entity funded by contracts between Rockville Presbyterian Church (the Church) and DHHS, with Ms. Wilcox receiving her paycheck from the Church. Ms. Wilcox requests a waiver of the prohibition of § 19A-12(b)(1)(B).

DHHS has contracts with the Church through its Special Needs Housing program. Ms. Wilcox's service area, CYF, does not contract with the Church and Ms. Wilcox is not involved in County matters affecting either the Church or Rainbow Place. The funds received by Rainbow Place from the County through the Church pay for various services relating to the operation of the shelter. The County is only one of several sources of funding for Rainbow Place's operations. According to information from the DHHS Chief Operating Officer, the County funds a portion of Rainbow Place's operation on a fixed per bed basis.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The waiver is conditioned on Ms. Wilcox not working, in her County capacity, on matters where Rainbow Place is a party; on her not referring DHHS clients to the Church or to Rainbow Place; and on Ms. Wilcox not working, while at Rainbow Place, with any clients of her program at DHHS.

This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Wilcox.

For the Commission:



Steven Rosen, Chair